

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72349

Constance Bender

506 Goucher Boulevard

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 3, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 431, failure to remove commercial vehicle from residential property zoned DR 3.5 known as 506 Goucher Boulevard, 21286.

On February 2, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Ron Turner issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,600.00 (five thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Constance Bender, Respondent, Gregory Procopio, Partner of the Respondent and, Ron Turner, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 6, 2010 for removal of commercial vehicle from this residential property. This Citation was issued on February 2, 2010.

B. Inspector Ron Turner testified that the Department received a complaint about a commercial truck being parked in the driveway of this residential property. He further testified that he inspected the property on January 6, 2010 and did not see a truck, but that he issued the Correction Notice after receiving photographs from the complainant showing the truck parked at the property. The complainant provided additional pictures on February 3, 2010 and reported that the truck was being parked at the property on weekends. Photographs in the file show a yellow rental commercial box truck parked in the driveway.

C. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1. The evidence shows that Respondent has violated this regulation.

D. Respondent Constance Bender testified that she bought the home in April 2010 and that her family is running a small courier business. She testified that she did not know it was a zoning violation to park the truck at the house for convenience. She further testified that she has obtained a commercial parking place on Hammonds Ferry Road to park the truck, and that it is no longer being parked at the residence and will not be parked at the residence in the future. Because compliance is the goal of code enforcement, and the violation was corrected prior to this Hearing and there is no history of prior violations, the proposed civil penalty will be rescinded. Respondent is advised that under departmental policy, any repeat violation will be subject to immediate Citation with possible civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that the proposed civil penalty is RESCINDED and reduced to zero dollars.

ORDERED this 16<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.